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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,467	08/07/2003	Alejandro Wiechers	200207420-1	7654

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EXAMINER

RODRIGUEZ, LENNIN R

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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07/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Office Action Summary

Application No.

10/635,467

Applicant(s)

WIECHERS ET AL.

Examiner

Lennin R. Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/07/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The Other Documents section in the information disclosure statement filed 8/07/2003 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the articles provided does not contain or have an accessible way to determined the articles' date. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Specification

2. The abstract of the disclosure is objected to because it contains improper language such as:

(1) "comprises" used in line 4.

Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claim 4 is objected to because of the following informalities:

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(1) lines 2-3, "**designer** location" should be – **service provider** location --.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 6-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A "program product" is being recited; however a "program product" as presented in the claims is directed to software per se. This subject matter is not limited to that which falls within a statutory category of invention because it is limited to a process, machine, manufacture, or a composition of matter. Software is a function descriptive material and a function descriptive material is non-statutory subject matter. Examiner suggest changing it to – program product stored in a computer readable medium --.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Lavery et al. (US Patent 6,429,947).

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(1) regarding claim 1:

Laverty '947 discloses a method of managing workflow in a commercial printing environment including a designer location (column 10, lines 50-61, where the customer computer is the designer location) and a print service provider location (Fig. 4), said method comprising:

creating a press ready file at the designer location using updated device configuration information (the device configuration information at some point in time has to be updated into the system) from the print service provider location including performing an automated remote proofing of the press ready file to remotely verify that when printed at said print service provider location, the press ready file will look substantially as designed (column 10, lines 50-57);

submitting said press ready file to the print service provider location via an electronic network (column 10, lines 58-61, where the order is sent to the printer as a press ready file and 406 in Fig. 4 is the network); and

performing at least one of automated printing (column 11, lines 31-37, where the print ready file is used for printing), finishing, packaging and shipping using said press ready file (column 11, lines 31-37, where the print ready file is used for shipping after printing).

(2) regarding claims 2 and 7:

Laverty '947 further discloses wherein after said step of submitting, said method further comprises a step of verifying, at said print service provider location, that said press ready file will be produced at said print service provider location as designed at

the designer location (column 10, lines 62-67 and column 11, lines 1-15) and, if not, correcting said press ready file to ensure production substantially as designed (column 11, lines 16-24, where when the user makes any change to the item (job) the press ready file is corrected as to comply with the job as designed).

(3) regarding claims 3 and 8:

Laverty '947 further discloses wherein said step of performing automated remote proofing further comprises printing on a printer at the designer location (column 11, lines 10-15, where the preview is display at the designer location (customer) in a PDF file, it is inherent as shown in Hitchcock et al. (US Patent 6,345,278) that a PDF file is printable (column 8, lines 20-38)), a high resolution proof representing the final output of the press ready file (column 11, lines 10-15, where PDF is a high resolution format).

(4) regarding claims 4 and 9:

Laverty '947 further discloses wherein said step of performing automated remote proofing further comprises receiving at the service provider location an electronic indication of approval of said high resolution proof from a designer or customer (column 11, lines 16-24, where once the designer is satisfied with item (job) it send an approval).

(5) regarding claim 5 and 10:

Laverty '947 further discloses wherein said printer at a designer location receives color management information of a selected printing device at the print service provider location (column 34, lines 40-53, where the user can select to view the color separation information and this information is received at the designer location (user)) and prints the high resolution proof in accordance with such information (column 34, lines 40-53,

where the preview is displaying a PRF (print ready file), which is a PDF file, at the designer location (customer), it is inherent as shown in Hitchcock et al. (US Patent 6,345,278) that a PDF file is printable (column 8, lines 20-38)).

(6) regarding claim 6:

Laverty '947 further discloses a program product (column 47, lines 14-32) for managing workflow in a commercial printing environment including a designer location (column 10, lines 50-61, where the customer computer is the designer location) and a print service provider location (Fig. 4), said product comprising machine-readable program code for causing, when executed, a machine to perform the following method steps:

creating a press ready file at the designer location using updated device configuration information (the device configuration information at some point in time has to be updated into the system) from the print service provider location including performing an automated remote proofing of the press ready file (column 10, lines 50-57);

submitting said press ready file to the print service provider location via an electronic network (column 10, lines 58-61, where the order is sent to the printer as a press ready file and 406 in Fig. 4 is the network); and

performing at least one of automated printing (column 11, lines 31-37, where the print ready file is used for printing), finishing, packaging and shipping using said press ready file (column 11, lines 31-37, where the print ready file is used for shipping after printing).

(7) regarding claim 11:

Lavery '947 further discloses a system for managing workflow in a commercial printing environment including a designer location (column 10, lines 50-61, where the customer computer is the designer location) and a print service provider location (Fig. 4), said system comprising:

means creating a press ready file at the designer location using updated device configuration information (the device configuration information at some point in time has to be updated into the system) from the print service provider location including performing an automated remote proofing of the press ready file (column 10, lines 50-57);

means for submitting said press ready file to the print service provider location via an electronic network (column 10, lines 58-61, where the order is sent to the printer as a press ready file and 406 in Fig. 4 is the network); and

means for performing at least one of automated printing (column 11, lines 31-37, where the print ready file is used for printing), finishing, packaging and shipping using said press ready file (column 11, lines 31-37, where the print ready file is used for shipping after printing).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hansen et al. (US Patent 6,407,820) disclose a system and method for managing production workflow. Steward et al. (US Patent 6,714,964)

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discloses a system, method and recordable medium for receiving and transmitting data over a network, and in particular, to receiving and transmitting print data from a print spooler via a port monitor and upload manager to a web server.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lennin R. Rodriguez whose telephone number is (571) 270-1678. The examiner can normally be reached on Monday - Friday 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung S. Moe can be reached on (571) 272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lennin Rodriguez
6/24/07



KING Y. POON
PRIMARY EXAMINER